



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,364	02/19/2002	Keiji Nobuhara	1152-0289P	1526
2292	7590	10/12/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WALLERSON, MARK E	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,364

Applicant(s)

NOBUHARA ET AL.

Examiner

Mark E. Wallerson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1,5,7,9,11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) 3,4,6,8,10 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/30/02</u> | 6) <input type="checkbox"/> Other: ____ |

Part III DETAILED ACTION

Notice to Applicant(s)

This application has been examined. Claims 1-19 are pending

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 7, 9, 13, 14, 15, 16, 17, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueki et al (Ueki) (U.S. 5,317,345).

With respect to claims 1, 13, 14, 15, 17, 18, and 19, Ueki discloses an image processing apparatus (figure 1) comprising: an image information input means for receiving image information (the abstract); an image information storage means for storing the image information input through the image information input means (the abstract); an image processing means for processing the image information stored in the image information storage means (column 6, lines 26-44); a status manager means for managing the status of the image processing apparatus (column 6, lines 26-44); and an image information erasing means for erasing the image information stored in the image information storage means characterized in that the image information erasing means is adapted to erase the image information in accordance with the status of the image processing apparatus managed by the status manager means (column 6, lines 26-57).

Art Unit: 2626

Further with respect to claim 13, Ueki discloses means for managing time slots in which the image information erasing means is to be operated (column 6, lines 26-44).

With regard to claim 5, Ueki discloses the status manager means comprises a time counter means for measuring the inactive time in which the image processing apparatus is not operated by users, and the image information erasing means erases the image information stored in the image information storage means when the inactive time of the image processing apparatus based on the time measured by the time counter means exceeds a predetermined period (column 6, lines 26-57).

With respect to claim 7, Ueki discloses an erase command accepting means for accepting a user's erase command for erasing the image information stored in the image information storage means and the image information erasing means erases the image information stored in the image information storage means when the erase command accepting means receives an erase command, even when the inactive time of the image processing apparatus based on the measured time by the time counter means is determined not to exceed the predetermined period (column 6, lines 26-57, column 8, lines 32-45).

With regard to claim 9, Ueki discloses the status manager means comprises a power source monitoring means for monitoring the status of the power source and the image information erasing means erases the image information stored in the image information storage means, utilizing the period from the time when actuation of the power saving mode is monitored by the power source monitoring means to the time when the operation returns to the normal mode (column 8, lines 9-22).

With regard to claims 15 and 16, Ueki discloses the time slot manager means sets up the time slots in which the image information erasing means is to be operated, based on the past operational log (column 7, lines 55-62).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueki in view of Bender et al (Bender) (U.S. 5,791,790).

With respect to claim 11, Ueki differs from claim 11 in that he does not clearly disclose 11, the status manager means comprises a cancel command accepting means for accepting a user's cancel command for canceling the operation of the image processing means, and the image information erasing means erases the image information stored in the image information storage means when the cancel command accepting means has received a cancel command.

Bender discloses an image processing system comprising a cancel command accepting means for accepting a user's cancel command for canceling the operation of the image processing means, and the image information erasing means erases the image information stored in the image information storage means when the cancel command accepting means has received a cancel command (column 11, lines 36-60). Therefore, it would have been obvious to one of

Art Unit: 2626

ordinary skill in the art at the time of the invention to have modified Ueki by the teaching of Bender in order to eliminate the storage of unnecessary data.

Allowable Subject Matter

5. Claims 3, 4, 6, 8, 10, and 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson
Primary Examiner
Art Unit 2626



MARK WALLERSON
PRIMARY EXAMINER